

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

LUVINA M. MARTINBEAULT, on Behalf  
of R.J.M.,

Plaintiff,  
vs

1:07-CV-1297

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

---

APPEARANCES:

CONBOY, McKAY, BACHMAN  
& KENDALL, LLP  
Attorneys for Plaintiff  
407 Sherman Street  
Watertown, NY 13601-9990

OF COUNSEL:

PETER L. WALTON, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL COUNSEL  
Region II  
26 Federal Plaza - Room 3904  
New York, NY 10278

SANDRA M. GROSSFELD, ESQ.

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff filed this action in December 2007, seeking judicial review of the Commissioner's denial of benefits pursuant to 42 U.S.C. § 405(g) and 1383(c)(3). By Report-Recommendation dated October 27, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the decision of the Commissioner be reversed, and that the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C.

§ 405 (g) for further administrative proceedings consistent with the Report and Recommendation. The defendant has filed objections to the Report-Recommendation.

Based upon a de novo determination of the portions of the report and recommendations to which the defendant has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that the decision of the Commissioner is REVERSED and the case is REMANDED for further administrative proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.



United States District Judge

Dated: December 14, 2009  
Utica, New York.